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**DEC 11 2006**

**OFFICE OF PETITIONS**

In re Patent No. 7,071,202	:	DECISION ON REQUEST
Redkar et a.	:	FOR RECONSIDERATION OF
Application No. 10/080,530	:	PATENT TERM ADJUSTMENT
Filed: February 21, 2002	:	and
Atty Docket No. 12636-267	:	NOTICE OF INTENT TO ISSUE
	:	CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT AND APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705" filed August 3, 2006. Patentees request that seventeen days of patent term be restored (such that the patent term adjustment indicated in the patent would be corrected from one hundred seventy-six (176) to one hundred ninety-three (193) days.

The request for reconsideration of the patent term adjustment indicated in the patent is **GRANTED** to the extent indicated herein.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of one hundred ninety-two (192) days.

On July 4, 2006, the above-identified application matured into U.S. Patent No. 7,071,202. The instant request for reconsideration filed August 3, 2006 was timely filed within 2 months of the date the patent issued. See § 1.705(d). The Patent issued with a revised Patent Term Adjustment of 176 Patentees dispute the reduction of 120 days pursuant to § 1.704(c)(10) for the filing of an amendment and terminal disclaimer on February 24, 2006. Patentees state that the Office responded to this paper on June 7, 2006, and thus, the period of reduction, pursuant to 1.704(c)(10), is 103 days for

the period beginning on February 24, 2006 and ending on June 7, 2006.

A review of the record confirms that the terminal disclaimer was a part of the amendment. Further, the Office did mail a response to the amendment under § 1.312 on June 7, 2006. However, the period of reduction is 104 days for the period beginning on February 24, 2006 and ending on June 7, 2006. As stated in MPEP 2731,

When a period is indicated (in 37 CFR 1.703 or 1.704) as "beginning" on a particular day, that day is included in the period, in that such day is "day one" of the period and not "day zero." For example, a period beginning on April 1 and ending on April 10 is ten (and not nine) days in length.

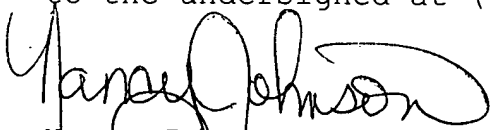
Thus, including February 24, 2006 in the period, the number of days is 104 days, not 103 days, for applicant delay.

In view thereof, the patent term adjustment indicated on the patent should have been one hundred ninety-two **(192)** days.

The \$200.00 fee set forth in 37 CFR 1.18(e) has been charged to Deposit Account No. 23-2415, as authorized. No additional fees are required.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by one hundred ninety-two **(192)** days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 7,071,202 B2

DATED : July 4, 2006

INVENTOR(S) : Redkar et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (176) days

Delete the phrase "by 176" and insert – by 192 days--